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# The University of Kentucky College of Law

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*Indiana University School of Law*

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## LEADING ARTICLES



# THE UNIVERSITY OF KENTUCKY COLLEGE OF LAW

Prepared by ELVIS J. STAHR, JR., Dean

### Brief History

The University of Kentucky College of Law was organized in 1908 as the fourth college of the University, under the deanship of Judge W. T. Lafferty, for whom the present building is named, and shortly thereafter became the first law school in the state to be admitted to membership in the Association of American Law Schools. In 1912, the College began publication of its own law review and a few years later established what is believed to have been the first practice court in the country to be made an integral part of the regular curriculum. In 1914, Henry Clay Chapter of Phi Alpha Delta legal fraternity was established, and in 1925, Breckinridge Inn of Phi Delta Phi legal fraternity was installed. Judge Lyman Chalkley was named acting dean when Judge Lafferty died in 1922, and Charles J. Turk, now president of Macalester College, succeeded him in 1924.

In 1925 the College became the first law school in the state to be placed on the approved list of the American Bar Association, and when Dean Turk resigned in 1927 to become president of Centre College, he was succeeded by Dr. Alvin E. Evans, who served as dean for twenty-one years and acquired a national reputation as a legal scholar.

In 1931 the College was granted a charter by the Order of the Coif, being the first law school in this region to be so honored. In 1938 the College moved into the present building. More recently the College operated without interruption, though with reduced enrollment, through World War II just as it had during World War I. Elvis J. Stahr, Jr., succeeded to the deanship in 1948 upon the retirement of Dean Evans.

When Dr. Herman Lee Donovan became President of the University of Kentucky in 1941, he found the College of Law, including the Law Library, had operated the preceding year on a budget of \$40,000. The last budget he approved and recommended to the Board of Trustees, that for 1956-57, provides \$105,401 for the College, plus \$15,900 for books and direct services for the Law Library, or a total of \$121,300—more than treble the 1940-41 figure.

### Faculty

In the early years the Law faculty included, in addition to Dean Lafferty, many attorneys who were or were to become outstanding members of the profession. Most of their names are still familiar to Kentucky lawyers. Among them were Judge Charles Kerr, Thomas Edwin Moore,

John R. Allen, Richard C. Stoll, John T. Shelby, George R. Hunt, J. Richard Bush, Judge Henry Stites Barker, Samuel M. Wilson, Judge Lyman Chalkley, George W. Vaughn, John J. Tigert, William E. Nichols, William H. Townsend, Matt S. Walton, George Du Relle, J. Nathan Elliott, Clinton M. Harbison, Reuben B. Hutchcraft, Walter L. Summers, William S. Hamilton, Martin T. Kelly, and George W. Goble. Members of the Court of Appeals were listed as "non-resident lecturers."

Around the close of World War I the number of part-time teachers was reduced as the full-time faculty grew. Dr. W. Lewis Roberts, who joined the faculty in 1920, is now the oldest member who is still connected.

Dean Turck's faculty included Harland J. Scarborough and Professors Chalkley and Roberts, and a number of special lecturers among whom were Flem D. Sampson, Richard C. Stoll, Chester D. Adams, James Park, R. Priest Dietzman, and Samuel M. Wilson. Roy Moreland joined the full-time faculty in 1926.

Dean Evans came in 1927 from George Washington University and promptly brought Dr. Forest R. Black and Dr. Frank H. Randall to the faculty, a little later adding Dr. George Ragland, Jr., and then Dr. Frank Murray. Among the special lecturers in 1929-32 were Attorney General J. W. Cammack, Judge Simeon S. Willis, Edmund F. Trabue, Judge A. M. J. Cochran, Senator Alben W. Barkley, Judge King Swope, John M. Stevenson, Robert T. Caldwell, Judge William H. Rees, Mac Swinford, William Marshall Bullitt, Judge Charles I. Dawson, and others. Dr. Amos Eblen joined the full-time faculty in 1933 and William H. Pittman came in 1936.

In 1941, when President Donovan arrived, the Law faculty was thus composed of Dean Alvin E. Evans (Ph.D., J.D., Michigan) and six pro-

fessors: W. Lewis Roberts (S.J.D., Harvard), Roy M. Moreland (J.D., Chicago), Frank H. Randall (S.J.D., Harvard), Frank Murray (S.J.D., Harvard), Amos H. Eblen (S.J.D., Harvard), and William H. Pittman (LL.B., Idaho). Dean Evans retired in 1948, later becoming Dean of the St. Louis University School of Law before he died in 1953. Professor Roberts retired from teaching in 1947, Professor Randall in 1948. Professor Murray died suddenly in 1951. Professor Eblen resigned to enter law practice in 1945, and is now Executive Secretary of the Judicial Council of Kentucky. Professor Pittman accepted appointment to the Law faculty of the University of Missouri in 1945.

Thus the only member of the above faculty who is fully active here today is Professor Moreland (S.J.D., Harvard, since 1942). The full-time faculty was increased from seven members in 1941 to nine by 1947 and will be ten in 1956-57. It includes Dean Elvis J. Stahr, Jr. (B.C.L., Oxford), who succeeded Dean Evans in 1948 after fifteen months as Associate Professor and Professor, following several years of law practice in New York; Professor Moreland, who joined the faculty in 1926, after practicing in Lexington; Professor Paul Oberst (LL.M., Michigan), who came in 1946 as Assistant Professor after practice in Kansas City and research at Michigan; Professor Alfred B. McEwen (LL.B., Virginia), who had practiced in Richmond, Virginia, and who came in 1948 from Mercer University; Professor William L. Matthews, Jr. (S.J.D., Michigan), who came in 1947 as Associate Professor after practice in Bowling Green and research at Michigan; Professor Frederick W. Whiteside, Jr. (LL.B., Cornell), who had practiced in New York and Washington and who came in 1949 from Rutgers University as Associate Professor; Professor Willburt D. Ham (LL.M., Harvard), who had practiced

in Springfield, Illinois, and who came in 1949 from the University of Cincinnati as Associate Professor; Associate Professor Jesse J. Dukeminier, Jr. (LL.B., Yale), who had practiced in New York and who came from the University of Minnesota in 1955; Associate Professor Dorothy Salmon (LL.B., Kentucky), who was appointed Instructor in 1945 and is also Law Librarian; and Visiting Professor Richard D. Gilliam, Jr. (LL.B., Virginia).

The present active faculty hold an average of three degrees each. The average age is now 43, as against 51 in 1941. Professors Oberst, McEwen, Whiteside, and Dukeminier are expected to earn S.J.D. degrees within the next few years at Michigan, Virginia, Yale and Yale, respectively. All but one (Miss Salmon) of the present faculty have had experience in practice; five of the nine have held governmental positions; seven of the nine have served in the Armed Forces in wartime. Among them they also hold a sizeable number of professional and civic distinctions. The College also makes use of several outstanding attorneys on a part-time basis, including Rufus Lisle, John L. Davis, Scott Reed, William R. Bagby, and others.

### **Library**

Next to a strong faculty, a good library is one of the major needs of a first-rate law school. Today the College has one of the five or six finest in the South, with over 54,200 volumes, a well-trained Law Librarian with a secretarial assistant, full back-up from the University Library System in binding, ordering, cataloging, etc., and an annual book budget of \$10,000. The reading room was air-conditioned in 1953.

### **Building**

Lafferty Hall was built in 1938 and today, with a new roof, an air-conditioned library, improved lighting, a newly-fitted-out courtroom, and a new

seminar room, it still serves well except that stack space is inadequate.

### **Law Journal**

The Kentucky Law Journal in its 44-year history (it is the 10th oldest of some 70 law reviews published by the Nation's leading law schools), has maintained an excellent reputation and a steadily growing circulation.

### **Enrollment**

In the academic year 1941-42, 79 different regular students were enrolled in the College of Law. The comparable figure for 1955-56 was 129. The all-time high for a single term occurred in 1947, with a fall enrollment of 255. Enrollment has been increasing slowly for the past three years, after a period of decline following the attendance of large numbers of World War II veterans. The College continues to be far more interested in quality than in quantity of its students, however.

### **Standards**

Admission standards have moved upward in recent years, from a requirement of 60 semester hours of college credit with a standing of 1.0 (1.3 preferred), to a minimum of 90 semester hours with a standing of 1.3 (on basis C=1) or 1.0 and a respectable score on the National Law School Admission Test. A majority of law students today have degrees upon entrance or receive a degree after the first year under a combined-curriculum program.

Academic standards in the College, always high, have been tightened steadily, the most noteworthy innovation being the "automatic drop rule" adopted in the late '40's, which provides for exclusion of the student who fails to keep up with progressively higher minimum cumulative averages as he goes through.

### **Recent Developments**

The general quality and scope of professional training offered by the College have been enriched and en-

larged in several ways in recent years. Notable among these have been the following, not necessarily in order of importance:

(a) Participation since 1950 in the annual National Moot Court Competition, in which the College's teams have enjoyed noteworthy success, having reached the final rounds in New York four times in the first six years of the Competition, a record excelled by only one and tied by only two of the 91 law schools which have participated.

(b) Inauguration in 1949 of a voluntary apprenticeship program for summer training of law students in law offices.

(c) Overhaul and modernization of the entire curriculum in 1956 following some years of study, discussion, and experimentation.

(d) Adoption in 1953 of the policy of having at least one special institute, conference, or short course for practicing attorneys and/or legal educators each year. In 1953, The Southern Law Review Conference met here, and a four-day short course on the new Kentucky Rules of Civil Procedure was held; in 1954, the first Kentucky Traffic Court Conference was held here, and in 1955, a Medico-Legal Institute; in 1956, the Southeastern Regional Conference of Law Teachers met here

(e) Establishment in late 1954 of the "Kentucky Law Scholarships," a program through which practicing lawyers throughout the State make small annual contributions to a fund which is used to provide financial assistance to law students on the basis of character, ability, and need. Fourteen students were aided with the \$3,800 available the first year (1955-56).

(f) Organization in 1949 of Law Clubs for extra-curricular training in brief-writing and oral argument, a valuable supplement to the regular

program for non-Law Journal-staff members. Feature of this program is the final inter-club argument judged annually by the Court of Appeals of Kentucky.

(g) Offering of a large number of book prizes and a growing number of cash prizes to students annually for the past several years. These have provided stimulus for better work in a number of special activities and in most regular courses.

(h) Inauguration of a seminar program for second- and third-year students in 1954. This ultra-modern program provides for greater individual attention to students and a welcomed relief for them from the casebook system.

(i) Inauguration of a first-year course in Legal Method in 1950, which has now developed into an excellent vehicle for general orientation and much-needed training in legal writing, for beginning law students.

(j) Inauguration in 1948 of a non-credit course called "Kentucky Practice" for Law seniors, in which judges and practicing lawyers are invited to address the class on specialized topics or "practical" aspects of law practice.

(k) Inauguration in 1948 of an annual legal forum, which by 1951 developed into the idea of an annual Law Day, with an outstanding speaker being brought to the campus and several other events being held, such as a Recognition Convocation in honor of students who have achieved distinction in various ways, a Graduation Luncheon in honor of seniors, mock trials, pre-law students' meetings, and so on.

(l) Increasing participation by faculty members in committee work for the State Bar Ass'n and the Ass'n of American Law Schools and increased attendance at an increased variety of national and regional professional meetings.

(m) Increased emphasis on faculty research through a summer research program and the organization of an elective faculty committee to stimulate and co-ordinate research.

(n) Inauguration in 1949 of the custom of preparing and sending to all Alumni of the College an annual Newsletter, covering activities at the College and supplemented by individual news of graduates.

(o) Provision of leadership in the fight for higher standards for admission to the Bar in Kentucky, resulting in the demise of unaccredited law schools as sources of candidates for admission, and improvements in the bar examination.

(p) A growing reputation in the state and nation, due to all the factors herein recounted and to the increasing success of the College's graduates.

### Graduates

The College is not yet fifty years old, and only in recent years has the solid, high-standard training it offers begun to be fully demonstrated in the performance of its alumni. There are scores of outstanding examples today. By way of illustration, there had never been an alumnus on the Court of Appeals prior to 1938; since then there have been four. The College has produced a judge of the Tax

Court of the U. S. and a federal district judge (in Alabama), both appointed in the past ten years or less. At the present time, the Governor, the Attorney General, three Court of Appeals Judges, the Senate Majority Leader and many other legislators, and numerous high state and federal officials are alumni of the College. At least a dozen Circuit Judges and countless city and county officials in Kentucky are also alumni, and many who have gone into private practice and into business are enjoying distinction and success.

Today the College's standing is nationally high by all criteria used in rating law schools. It is an institution of which the Kentucky Bar and all Kentuckians may be justly proud.

(Ed. Note: Dean Stahr has been granted a year's leave from the College of Law to serve as Chairman of President Eisenhower's Committee on Higher Education.)

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Boys as a rule aren't vicious or mean; just energetic and restless like an electric storm or an unbroken colt. They have big possibilities for good or bad and it is the duty of the elders to channel them into good.

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